

BRUCE E. METHVEN (Bar No. 095486)
METHVEN & ASSOCIATES PROFESSIONAL CORPORATION
2232 Sixth Street
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Attorney for Methven & Associates Professional Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

METHVEN & ASSOCIATES PROFESSIONAL CORPORATION,

Plaintiff in Interpleader,

v.

SCARLETT PARADIES-STROUD as
administrator of the ESTATE OF ANDREW B.
STROUD; ANDY STROUD, INC.; STROUD
PRODUCTIONS AND ENTERPRISES, INC.,
LISA SIMONE KELLY as administrator of the
ESTATE OF NINA SIMONE; WALLY ROKER
d/b/a ICU ENT. DIST. d/b/a WALLY ROKER
MUSIC; STEVEN AMES BROWN; CASTLE
ROCK ENTERTAINMENT; WARNER BROS.
ENTERTAINMENT, INC.; WARNER BROS.
INDEPENDENT PICTURES; SONY MUSIC
ENTERTAINMENT, INC.

Defendants in Interpleader

Case No.: C 13-01079 JSW

MOTION TO DEPOSIT
PROPERTY WITH THE COURT

Judge: The Hon. Jeffrey S. White
Courtroom: 11, 19th Floor
Hearing Date: May 17, 2013
Time: 9 am

1. Pursuant to Rule 67 of the Federal Rules of Civil Procedure and 28 U.S.C. §1335, Plaintiff In Interpleader Methven & Associates Professional Corporation (“Plaintiff”) moves the Court for an order authorizing deposit with the Court of certain property in possession of the Plaintiff, namely original audio and video recordings of Nina Simone, inventoried in **Attachment A**, incorporated by reference, and the subject of this action (“the Property”),.
2. Due to Defendants’ claims or potential claims to ownership of the Property, Plaintiff is unable to ascertain which of the Defendants are entitled to the Property and Plaintiff is

1 exposed to the risk of liability and multiple pieces of litigation by Defendants for
2 recovery of the Property. Defendant SCARLETT PARADIES-STROUD as
3 administrator of the ESTATE OF ANDREW B. STROUD has made such a claim in
4 *Estate Of Andrew B. Stroud*, State of New York, Bronx County Surrogate's Court, File
5 Number: 1964-2012.

- 6 3. Plaintiff respectfully requests that the Court take action upon this motion and grant the
7 order prior to April 9, 2013. On that date, the State of New York, Bronx County
8 Surrogate's Court has ordered Plaintiff to show cause why it should not be ordered to
9 deposit the Property with the Surrogate's Court. A copy of the Surrogate's Court's order
10 can be found in Attachment B.
11

12 Respectfully submitted,
13

14 Dated: 3-27-13
15

METHVEN & ASSOCIATES
PROFESSIONAL CORPORATION

16 By: Bruce E. Methven
17 Bruce E. Methven
18 Attorney for Plaintiff
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Attachment A

Inventory of Property in Plaintiff's Possession

Item	Label	Identifying Characteristics/Tracks
1	Box 10	Spring is Here Near to You Since My Love is Gone Blue Prelude
2	Box 16	Lonesome Mountain Fine & Mellow Church Jazz (instrum)
3	Box 17	Intro – Porgy Playboy Award Give me my Gin Wild is the Wind Brown Baby
4	Box 18	Just in Time Nobody Wants You Ding Song
5	Box 19	Its Alright With Me Porgy #1 I Love to Love
6	Box 26	Strange Fruit Pig Foot Tell Me More Porgy Fine and Mellow
7	Box 27	Love me or Leave me Don't Explain
8	Box 28	Sweetened Tell Me More This Year's Kisses Strange Fruit
9	Box 29	Be my Husband Mississippi
10	Box 34	Aint Got No/ I got Life For Women No Opportunity Necessary Backlash Assignment Song
11	Box 35	One More Sunday in Savannah I'll Look Around Nina's Blues When I was in My Prime Zungo

12	Box 49	Gal From Joe's You Belong to Me Sugar in My Bowl I Got it Bad	
13	Box 60	Interview @ Village Gate (NS & Piano)	
14	Box 64	Peace of Mind Drums & Bass Vocal	
15	Box 80	Interview: Del Shields (NYC)	
16	Box 81	Post UCLA KCSB – NS Interviews Broadcasts Interview KCSB Promo Clip	
17	Box 34	Aint got No/ I got life For Women No Opportunity Necessary Backlash Assignment Song	
18	Box 35	One More Sunday in Savannah I'll Look Around Nina's Blues When I was in My Prime Zungo	
19	Box 59	Interview /Dick Hubert (15:52)	
20	Box 83	Misunderstood	
21	Great Performances College Concerts & Interviews Soundtrack CD	Revolutions Compensations Black is the Color (Simone) Black is the Color (Latimer)	
22	Gimmie a Pigfoot and a Bottle of Beer CD	File Copy	
23	Gospel According to Nina Simone CD	Anytime, Anywhere	
24	Stroud File CD	In the Morning Anytime, Anywhere You Can't Hide	
25	Nina Simone Concert Recording Volume 5 CD	Concert in Frances Chalter	
26	Montreux Jazz Festival Soundtrack CD	Intro The Devil's Workshop Just in Time When I was A Young Girl Backlash	House of the Rising Sun See-Line Woman Please Read me Ain't Got No Life Give Me My Gin
27	Montreux Jazz Festival DVD	June 1968	

28	Nina Simone Revolution DVD	© Andrew Stroud
29	Great Performances Live College	NTSC 61 VHS
30	Great Performances Live College	TRT 61
31	Debruin CD 1	Songs 1-15
32	Debruin CD 2	Songs 16-30
33	Debruin CD 3	Songs 31-45
34	Debruin CD 4	Songs 46-58
35	Debruin CD 5	Songs 59-74
36	Debruin CD 6	Songs 75- 88
37	Debruin CD 7	Songs 89-104
38	Debruin CD 8	Songs 105-121
39	Debruin CD 9	Songs 122-141
40	Debruin CD 10	Songs 141-145
41	Debruin II CD 1	Songs 1-10
42	Debruin II CD 2	Songs 11-20
43	Debruin II CD 3	Songs 21-30
44	Debruin II CD 4	Songs 31-40
45	Debruin II CD 5	Songs 41-50
46	Debruin II CD 6	Songs 51-60
47	Debruin II CD 7	Songs 61-70

File No. 2012-19641 **B**

**SURROGATE'S COURT – BRONX COUNTY
CITATION
THE PEOPLE OF THE STATE OF NEW YORK,
By the Grace of God Free and Independent**

TO: Bruce Methven, Esq.
METHVEN & ASSOCIATES
~~2232 Sixth Street~~
~~Berkeley, California 94710~~

Dorothy M. Weber, Esq.
Shukat Arrow Hafer Weber & Herbsman, LLP
Attorneys for Lisa Simone
~~114 West 57th St., Ste. 1120~~
~~New York, N.Y. 10019~~

Kathy Young, Esq.
Attorney for Bruce Methven
~~2232 Sixth Street~~
~~Berkeley, CA 94710~~

being the person(s) interested in this proceeding in the Estate of ANDREW B. STROUD
a/k/a ANDREW BENJAMIN STROUD, deceased, who at the time of his death was a resident of
the County of the Bronx, at 5900 Arlington Avenue, Studio U, Riverdale, New York, 10471

Upon the petition of SCARLETT P. STROUD, Executrix of the Estate of
ANDREW B. STROUD a/k/a ANDREW BENJAMIN STROUD

ccm 406
YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, Bronx
County, at 851 Grand Concourse, Bronx, New York, on March 9th, 2013, at 9:30
o'clock in the PM noon of that day, why an order should not be issued requiring
Methven and Associates ("Methven") to deliver certain property of the Estate consisting of the
recordings and other materials listed in Exhibit C ("Retained Estate Property") of the Petition
which was provided to Methven during discovery for the purposes of examination by adverse
parties, or to pay the value thereof, and that your petitioner have such other and further relief as
to the Court may seem just and proper.

Dated, Attested and Sealed

March 13 2013

HON. Nelida Malave-Gonzalez

Surrogate

Chief Clerk

W. Charles Robinson

Attorney for Petitioner

820 Second Avenue, Ste. 7B, New York, N.Y. 10017
Address of Attorney

212 286-0423

Telephone Number

[NOTE: This citation is served upon you as required by law. You are not required to appear. If
you fail to appear it will be assumed you do not object to the relief requested. You have a right to
have an attorney appear for you.]

SURROGATE COURT OF NEW YORK

COUNTY OF BRONX

-----X
Proceeding by Scarlett P. Stroud, as Executrix

Of the Estate of

File No. 2012-1964

ANDREW B. STROUD a/k/a ANDREW
BENJAMIN STROUD,

Deceased,

To Discover Property Withheld.

PETITION

C. ROBINSON & ASSOCIATES, LLC

Attorneys for Petitioner
Office and Post Office Address, Telephone
820 Second Avenue, Suite 7B
New York, New York 10017
(212) 286-0423
FAX NO. (212) 286-0450

To:

ALL COUNSEL

Service of a copy of the within

is hereby admitted,

Dated,

Attorney(s) for

**SURROGATE COURT OF NEW YORK
COUNTY OF BRONX**

-----X

Proceeding by Scarlett P. Stroud, as Executrix

Of the Estate of

File No. 2012-1964

ANDREW B. STROUD a/k/a ANDREW
BENJAMIN STROUD,

PETITION

Deceased,

To Discover Property Withheld.

-----X

TO THE SURROGATE'S COURT, COUNTY OF BRONX:

It is respectfully alleged:

1. Petitioner, Scarlett P. Stroud ("Petitioner") is domiciled at 5900 Arlington Avenue, Studio-U, City of New York, County of the Bronx, State of New York.
2. Petitioner is the sole executrix ("Executrix") and the sole beneficiary, legatee and devisee of the last will and codicil bearing the dates of April 14, 1994, and February 29, 2012, respectively of her husband the decedent, ANDREW STROUD a/k/a ANDREW BENJAMIN STROUD ("Decedent"). Letters Testamentary were issued on the November 20, 2012 to Petitioner to administer the estate of the decedent ("Estate"). (Exhibit A)
3. The Decedent died testate on the 14th day of July, 2012, domiciled at 5900 Arlington Avenue, Studio-U, City of New York, County of the Bronx, State of New York.
4. The Estate consists of certain musical compositions, mechanicals, audio tapes, copyrights, films, photographs, correspondence, documents, books, letters, notes

and other memorabilia and artifacts pertaining to the artist Eunice K. Waymon, a/k/a Nina Simone ("Nina") (collectively referred to as the "Works").

5. The Works are the subject of litigation in the United States District Court, Northern District of California, styled STEVEN AMES BROWN, Plaintiff v. ANDREW B. STROUD, et al., Defendants, 08-CV-022348, ANDREW B. STROUD, et al. v. CASTLE ROCK ENTERTAINMENT, et al., Defendants, 09-CV-03796 and LISA SIMONE KELLY v. WALLY ROKER, et al., Defendants, 11-CV-05822 (collectively, the "California Litigation").

6. The attorneys METHVEN & ASSOCIATES ("Methven"), 2232 Sixth Street, Berkeley, California 94710, represented the Decedent, the Estate, STROUD PRODUCTIONS & ENTERPRISES, INC. ("SPE") (a corporation organized and dissolved on June 24, 1981 under the laws of the state of New York) and ANDY STROUD, INC. ("ASI") (a corporation organized and dissolved on July 26, 2012 under the laws of the state of New York) in the California Litigation and have withdrawn as attorneys for these parties pursuant to an order in the California Litigation dated October 31, 2011, entitled "ORDER REGARDING (1) MOTION TO WITHDRAW AS COUNSEL, (2) REFERRAL OF DISCOVERY, AND (3) CONTINUANCE OF CASE MANAGEMENT CONFERENCE." ("Exhibit B")

7. During the course of representing the Decedent in the California Litigation, certain property of the Estate consisting of the recording listed in Exhibit C ("Retained Estate Property") was provided to Methven during discovery for the purposes of examination by adverse parties.

8. Your petitioner has requested and demanded that Methven deliver and turn over to her as executrix all Retained Estate Property, but Methven has failed, refused and neglected to deliver the same to your Petitioner because of the unproven and false allegations of the opposing parties in the California Litigation.

9. Under the laws governing the Estate, the Executrix has possessory right to Decedent's property including the Retained Estate Property from the moment of appointment and qualification.

10. The names and addresses of all the persons interested upon whom service of process is required or concerning whom the Court is required to have information, so far as they can be ascertained with due diligence, are as follows:

Bruce Methven, Esq.
METHVEN & ASSOCIATES
2232 Sixth Street
Berkeley, California 94710

Dorothy M. Weber, Esq.
Shukat Arrow Hafer Weber & Herbsman, LLP
Attorneys for Lisa Simone
111 West 57th St., Ste. 1120
New York, N.Y. 10019

Kathy Young, Esq.
Attorney for Bruce Methven
2232 Sixth Street
Berkeley, CA 94710

11. There are no persons other than those mentioned interested in this proceeding who have not waived service of process, and all of the above are of full age and competent.

12. No previous application has been made for the relief requested herein.

WHEREFORE, your petitioner respectfully prays for an order directing Methven and Associates to deliver said property to the Executrix, or to pay the value thereof, and that your petitioner have such other and further relief as to the Court may seem just and proper.

Dated: New York, New York
January 28, 2013

C. ROBINSON & ASSOCIATES, LLC

BY _____

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The Diplomat Building
820 Second Avenue, Ste. 7B
New York, New York 10017
(212) 286-0423